



FILED  
FEB 07 2014

PURSUANT TO ROH Sec. 1-2.4

A BILL FOR AN ORDINANCE

ORDINANCE \_\_\_\_\_

BILL 9 (2012)

RELATING TO AGREEMENTS BETWEEN THE CITY AND THE HONOLULU  
AUTHORITY FOR RAPID TRANSPORTATION OR THE HONOLULU BOARD OF  
WATER SUPPLY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to require Honolulu City Council approval of agreements between the City and County of Honolulu and the Honolulu Authority for Rapid Transportation or the Honolulu Board of Water Supply.

SECTION 2. Chapter 1, Revised Ordinances of Honolulu 1990 ("General Provisions"), is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

**"Article \_\_. Agreements between the City and the Honolulu Authority for Rapid Transportation or the Honolulu Board of Water Supply**

**Sec. 1-\_\_.1 Definitions.**

"Agreement" means any instrument in the nature of a contract, compact, memorandum of understanding or agreement which is intended to be executed between the city and BWS or HART where the city incurs an obligation.

"BWS" means the Honolulu Board of Water Supply.

"City" means the City and County of Honolulu and any department or agency thereof, but, for the purposes of this Article, excludes the BWS or HART.

"HART" means the Honolulu Authority for Rapid Transportation.

"Obligation" means any commitment, promise or similar representation contained in an agreement that the city will provide funds, documents, statistical data, or any professional or technical services to BWS or HART, incur city debt, or expend city funds for BWS or HART. An "obligation" does not include the duty to acknowledge a gift, or to report to the donor on the use of a gift.

**Sec. 1-\_\_.2 Council approval of agreements.**

Any agreement between the city and BWS or HART, or any amendments thereto, shall require prior city council's consent and approval. The final or draft version



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of the agreement shall be provided to the council for its review prior to the council's approval. In the event a draft agreement is provided, if a material change is made to the draft agreement after council approval, such change shall require additional council review and approval. City council's consent and authorization as well as the designated official authorized to execute the agreement on behalf of the city shall be contained in the form of either an ordinance or resolution. When carrying out the provisions of any agreement entered into in accordance with this subsection, all applications and/or amendments thereof, statistical data programs, reports or other official communications which support the application and which are required to be provided by the city shall first be presented to the city council for its review and approval prior to its transmittal. Council's consent and authorization shall be through adoption of an appropriate resolution.

### **Sec. 1-\_\_3 Penalties.**

Penalty for violations of any provision of this article shall be a fine not to exceed \$1,000.00 or one year's imprisonment, or both. Prosecutions in such cases shall be as provided by law for the prosecution of misdemeanors.

### **Sec. 1-\_\_4 Separability.**

It is the intention of the council that this article and every provision thereof shall be considered separable, and the invalidity of any section, clause, provision or part thereof, shall not affect the validity of any other portion of this article."



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

*Ann Kobayashi*

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2012 FEB -1 6W 11:03

CITY OF HONOLULU  
CITY CLERK

DATE OF INTRODUCTION:

**FEB 07 2012**

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PETER B. CARLISLE, Mayor  
City and County of Honolulu

**FILED**  
**FEB 07 2014**  
PURSUANT TO ROH Sec. 1-2.4

RECEIVED

FEB 14 5 53 PM '12

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

CITY CLERK  
HONOLULU, HAWAII

**DISCLOSURE OF INTEREST STATEMENT  
FOR MEMBERS OF THE CITY COUNCIL**

Date: February 13, 2012

Members of the City Council:

Pursuant to the provisions of the Revised Charter, Article XI, requiring disclosure in writing by a Councilmember of any interest which might reasonably tend to create a conflict with the public interest, or with the additional standards of conduct enacted under Article 8, Chapter 3, ROH, or of any personal or private interest, direct or indirect, in any action proposed or pending before the Council, prior to the taking of any vote thereon, please be advised that I have or may have personal or private interest, direct or indirect, in the following matter pending before the Council:

Reference: Bill 9 (2012) - Relating to agreements between the City and RTD or BWS

Out of abundance of caution, I am filing this disclosure as I am the Executive Director of the  
Kapolei Chamber of Commerce.

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COUNCILMEMBER

Nestor R. Garcia

Print Name

*To be filed with the City Clerk*

Rev. 11/04

Council Com. No. 52

FILE

City Council  
City and County of Honolulu  
Honolulu, Hawaii

**DISCLOSURE OF INTEREST STATEMENT**  
For members of the City Council

2012 FEB 29 PM 3:02

CITY CLERK  
C & C OF HONOLULU

Date: February 29, 2012

Honorable Members of the City Council  
City and County of Honolulu  
Honolulu, Hawaii

Members of the City Council:

Pursuant to the provisions of the Revised Charter, Article XI, requiring disclosure in writing by a Councilmember of any interest which might reasonably tend to create a conflict with the public interest, or with the additional standards of conduct enacted under Article 8, Chapter 3, ROH, or of any personal or private interest, direct or indirect, in any action proposed or pending before the Council, prior to the taking of any vote thereon, please be advised that I have or may have personal or private interest, direct or indirect, in matters pending before the Council as follows:

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Bill 9 (2012), Council Approval of Agreements. This measure would require City Council approval of any agreement between the City & County of Honolulu and the Board of Water Supply or the Honolulu Authority for Rapid Transportation (HART). HART oversees the City's planned rail project. In an overabundance of caution, I disclose that I serve as executive director of the Kapolei Chamber of Commerce, which has publicly expressed its support for rail.

Very truly yours,



Councilmember Nestor R. Garcia

Refer to: \_\_\_\_\_

*To be filed with the City Clerk  
Copy to the Ethics Commission*